

Message Text

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44

ORIGIN EB-07

INFO OCT-01 ARA-10 ISO-00 FEA-01 AGR-10 CEA-01 CIAE-00

COME-00 DODE-00 FRB-01 H-02 INR-07 INT-05 L-03 LAB-04

NSAE-00 NSC-05 PA-02 AID-05 CIEP-02 SS-15 STR-04

TAR-01 TRSE-00 USIA-15 PRS-01 SP-02 OMB-01 /105 R

DRAFTED BY EB/OT/STA:WTDIROLL:CLJ

APPROVED BY EB/OT/STA:WCLARK,JR.

ARA/ECP:MDAVILA

STR:BSTEINBOCK

ARA/MEX:ATDREYUSS(SUBS)

----- 125633

R 292313Z JUL 75

FM SECSTATE WASHDC

TO AMEMBASSY MEXICO

INFO AMEMBASSY BUENOS AIRES

AMEMBASSY BRASILIA

UNCLAS STATE 179037

E.O. 11652:N/A

TAGS: ETRD, MX, AR, BR

SUBJECT: INITIATION OF ESCAPE CLAUSE PROCEEDINGS ON
ALLOY STEEL

REFS: STATE 176658; MEXICO 6659(NOTAL)

1. MISSION SHOULD EMPHASIZE TO GARRIDO THAT THE INITIATION
OF THE ESCAPE CLAUSE PROCEEDING ON ALLOY STEELS DOES NOT
AUTOMATICALLY IMPLY THAT THE UNITED STATES GOVERNMENT IS
CONTEMPLATING MEASURES THAT MIGHT ADVERSELY AFFECT IMPORTS
FROM MEXICO OR THE OTHER AMERICAN REPUBLICS. A FINDING OF
SERIOUS INJURY OR THREAT THEREOF MUST BE MADE BY THE INTER-
NATIONAL TRADE COMMISSION BEFORE THE IMPOSITION OF RELIEF
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MEASURES IS WARRANTED UNDER THE TRADE ACT. THE COMMISSION,
AN INDEPENDENT FACT FINDING AGENCY, HAS SIX MONTHS TO
DETERMINE THE EFFECT OF IMPORTS AND OTHER RELEVANT FACTORS
AND DURING THE COURSE OF ITS INVESTIGATION WILL HOLD A

PUBLIC HEARING DURING WHICH THE VIEWS OF INTERESTED PARTIES, INCLUDING THOSE ENGAGED IN TRADE IN STEEL ALLOY PRODUCTS WITH MEXICO OR ANY OTHER SUPPLYING COUNTRY, MAY BE PRESENTED.

2. IF THE COMMISSION FINDS, ON THE BASIS OF ITS INVESTIGATION AND PUBLIC HEARINGS, THAT INCREASED IMPORTS OF STEEL ALLOYS ARE NOT CAUSING OR THREATENING SERIOUS INJURY THE CONDITIONS IMPOSED BY SECTION 201 FOR PROVIDING IMPORT RELIEF WOULD NOT HAVE BEEN SATISFIED AND THEREFORE THE TRADE AGREEMENT TARIFF CONCESSIONS APPLYING TO SUCH PRODUCTS WOULD NOT BE MODIFIED. ON THE OTHER HAND, IF THE COMMISSION MAKES AN AFFIRMATIVE DETERMINATION, THE PRESIDENT MAY PROVIDE TARIFF ADJUSTMENT, IMPOSE QUOTAS, OR NEGOTIATE ORDERLY MARKETING AGREEMENTS TO REMEDY THE SITUATION. THE PRESIDENT HAS 60 DAYS FROM THE DATE OF THE RECEIPT OF THE COMMISSION'S REPORT TO DETERMINE THE TYPE OF REMEDIAL ACTION THAT MIGHT BE REQUIRED.

3. IN THE CASE OF AN AFFIRMATIVE COMMISSION DETERMINATION, THE UNITED STATES GOVERNMENT WOULD, IN ACCORD WITH ITS LONG STANDING OAS PLEDGE AND AGREED PROCEDURES, NOTIFY THE CIES SECRETARIAT AND PROVIDE INTERESTED GOVERNMENTS AN OPPORTUNITY FOR INTERGOVERNMENTAL CONSULTATIONS IN ADVANCE OF ANY PRESIDENTIAL ACTION.

4. THE ESTABLISHED CIES PRIOR CONSULTATION PROCEDURE DOES NOT, OF COURSE, PRECLUDE THE SUBMISSION OF INTERESTED EXPORTING COUNTRIES VIEWS WHILE THE COMMISSION'S FACT FINDING INQUIRY IS IN PROGRESS.

5. POST SHOULD ASSURE GARRIDO THAT WE INTEND TO KEEP

INTERESTED PARTIES FULLY ADVISED OF ITC PROCEEDINGS, INCLUDING PUBLIC HEARING DATES, SO THAT FULL USE MAY BE MADE OF ALL OPPORTUNITIES TO PRESENT VIEWS. INGERSOLL

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Margaret P. Grafeld
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